

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 94-304-W - ORDER NO. 98-540

JULY 15, 1998

IN RE: Application of Upstate Heater Utilities, Inc.	)	ORDER
for Approval of an Increase in its Water Rates	)	DENYING
and Charges.	)	REQUEST

This matter comes before the Public Service Commission of South Carolina (the Commission) on the request of Chester G. Kapp for this Commission to petition the Court of Common Pleas to dismiss the appeal by Upstate Heater Utilities, Inc. (Upstate Heater) of a Commission rate case Order. The grounds for said request are that since "ownership" of the utility has now been transferred, that Upstate has no longer has a valid right to appeal the rate case.

However, we would note that Utilities of South Carolina, Inc. (the Company) recently acquired the stock of Upstate Heater and merged with Upstate Heater. As a consequence of the stock acquisition and corporate merger, the Company succeeded to the rights and obligations of Upstate Heater, including its rights to pursue the pending appeal, contrary to Mr. Kapp's assertions. For these reasons, we deny Kapp's request.

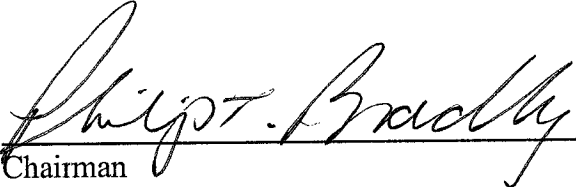
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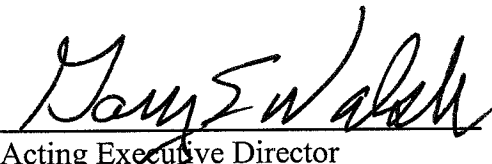
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This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Acting Executive Director

(SEAL)